

**REMARKS*****Introduction***

Receipt of the Office Action mailed June 19, 2003 is acknowledged. The instant proposed nonsubstantive amendment does not raise any new issues nor is any new matter introduced, and a detailed explanation for the reasons for the instantly proposed amendments is set forth below. Claim 9 is now presented in independent form. Since the present amendment is believed to place this application in condition for allowance, entry is respectfully requested. Claims 1-17 remain pending.

***Claim Rejections – 35 USC § 112***

Claims 1-9, 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

The Examiner has contended that in claim 1, line 1, use of “associated” is vague and questions whether the mitt is coupled with the brushed or not. In response to this issue, Applicant has amended the claims to recite that the brush and mitt/cover are coupled to each other. Applicant believes this was clear in the prior claims and are only making this change as helpfully suggested by the Examiner in an effort to pass this case to allowance. Note that Applicant is attaching hereto a list of at least 170+ patents issued recently that employ the language “removably associated with.” Applicant believes there is little chance all 170 of these patents are indefinite as they are presumed valid and were analyzed by the PTO. Since this language was deemed acceptable in other patents and is clear from the instant specification and figures how the removable association operates in the present invention, the former claim language is not believed to be indefinite. Thus, the instant amendment under 1.116 does not raise any new issues nor introduce new matter, but rather, should be enterable after final.

Reconsideration of this rejection is respectfully requested.

***Claim Rejections – 35 USC § 102***

Claims 1-5 and 9 have been rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Wirth '831. Claim 1 was treated as the sub-combination of the mitt. However, Applicant respectfully disagrees that the claim was so limited. That is, the former claim recited both the mitt and the brush "removable associated with" each other. Claim language to this effect should have already been searched and considered by the Examiner. The instant claims have been amended to recite an "apparatus" as helpfully suggested by the Examiner. In any event, neither the former, nor the present claims are taught or suggested by Wirth.

That is, Wirth fails to teach or suggest a brush and mitt combination as claimed, much less a self service vehicle wash (as recited in claim 9). This rejection is believed to be improper and should be withdrawn. The Examiner is respectfully requested to reconsider and withdraw the rejection based on Wirth.

Claims 1, 2, 6, 7 and 9 have been rejected under 35 U.S.C. 102(b) as allegedly being anticipated by GB patent '824. This rejection is respectfully traversed.

While the GB patent discloses a cover, nowhere does the GB teach or suggest the claimed apparatus or a self-service vehicle wash. Indeed, the term "vehicle wash brush" must be interpreted by resort to Applicants specification and drawings, which show what one of skill in the art understands a "vehicle wash brush" to comprise and entail. The GB patent's brush is not a "vehicle wash brush" as claimed. Contrary to the Examiner's assessment, a "vehicle wash brush" does in fact define structure not disclosed or suggested by the GB patent. In other words, although the brush of the GB patent could theoretically be used to wash a vehicle, a "vehicle wash brush" as known in the art is not taught. Most clearly, with respect to claim 9, the device of the GB patent could not be considered a self-service vehicle wash. There is simply no teaching or suggestion of a vehicle, much less a self service vehicle wash.

***Claim Rejections – 35 USC § 103***

Claim 8 has been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over GB patent '824 in view of Peterson '606. This rejection is respectfully traversed.

The GB patent is deficient for the reasons set forth above. Moreover, the Examiner admits that the GB patent fails to teach or suggest elastic cording sewn in the hem being in the form of an elastic sheet sewn around the edge of the opening. Peterson fails to fill the deficiencies of the GB. Namely, Peterson discloses a cover fitting over the foot of a user to clean floors. The cover can include an elastic tape or sheet (22) sewn about the opening of the cover. Nowhere does Peterson teach or suggest to employ a cover to a vehicle wash brush, and Peterson does not mention vehicles whatsoever. The Examiner is respectfully requested to reconsider and withdraw this rejection.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Wirth '831. This rejection is respectfully traversed. As mentioned above, Wirth fails to teach or suggest a self service vehicle wash, much less the “foaming” brush of a vehicle wash.

Indeed, the Examiner admits that Wirth fails to teach a removable cover fit over a brush. In this regard, the Examiner states, “Wirth does not disclose his cover as being fit over a brush.” The Examiner instead relies on his opinion that “such appears obvious in view of the teachings of Wirth.” This “such appear[ing] obvious” is apparently the Examiner’s conclusion that Wirth discloses the use of vehicle washing brushes which employ bristles and are coupled with liquid supply. This is not a self-service car wash, not even in the broadest sense.

***Request for Rejoinder***

Rejoinder of the withdrawn claims under the *In re Ochiai* guidelines is appropriate since all the examined claims are now allowable the withdrawn claims are methods depending therefrom.

***Drawing Objections***

The Examiner has alleged that certain elements must be shown in the drawings or the feature must be cancelled from the claims. Applicant respectfully disagrees. See 37 CFR 1.83. That is a "self service car/vehicle wash" is well known and understood not only by those of skill in the art, but to anyone who rides in a vehicle in the United States. The invention is understood without specifically showing a vehicle wash facility since this feature is not the invention by itself.

The invention is a combination brush/mitt suitable to be used in a vehicle wash facility. As far as a removable brush, this is not claimed, rather a removable mitt is claimed, and this feature is clearly shown in the drawings.

A proposed drawing change is submitted herewith to avoid abandonment.

***Conclusion***

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 22153-00002-US from which the undersigned is authorized to draw.

Dated: *Sept. 10, 2003*

Respectfully submitted,

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Attachment

# REPLACEMENT SHEET

PRIOR ART

FIG. 1

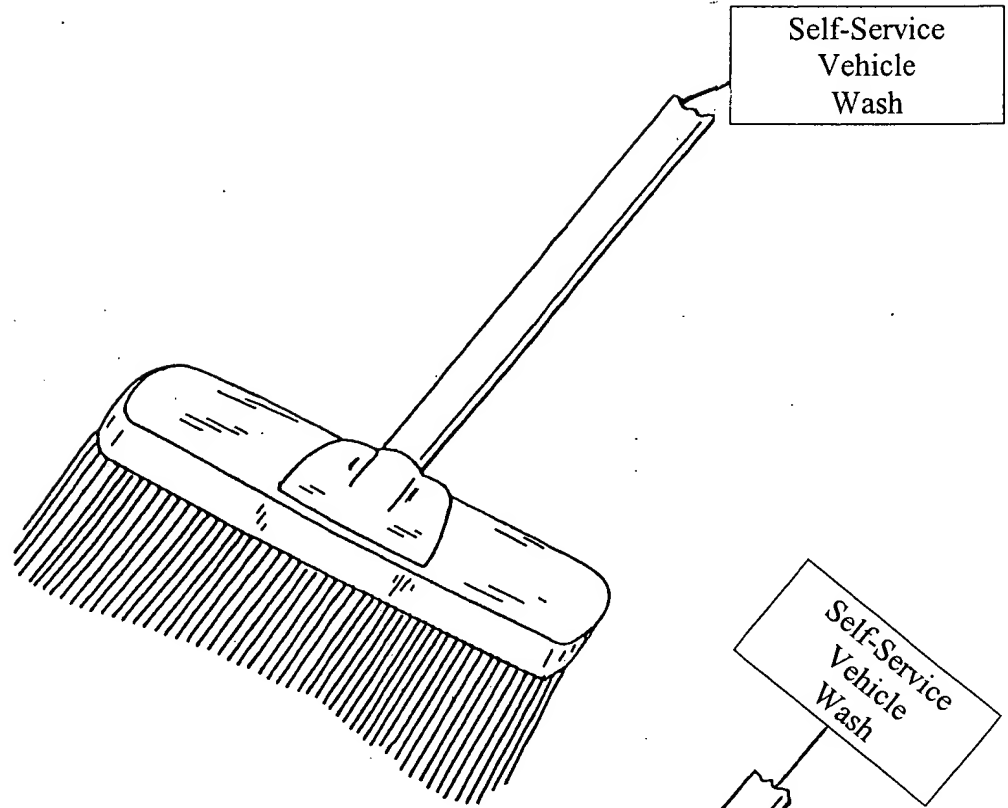


FIG. 2

